

Step 1: Identify the need for a DPIA

Explain broadly what project aims to achieve and what type of processing it involves. You may find it helpful to refer or link to other documents, such as a project proposal. Refer to the [ICO guidance](#) to determine whether a DPIA is required.

Summarise why you identified the need for a DPIA.

The Scottish Housing Regulator (SHR) Business Intelligence System (BIS) supports the regulatory processes and activities of SHR and enables it to collect and analyse data submitted by social landlords. It supports the internal risk assessment of landlords and publication of reports and data relating to landlords' governance, performance & financial sustainability. The system was deployed in 2013 utilising Microsoft Dynamics CRM, SQL Server and SharePoint components. These are currently hosted on infrastructure within the Scottish Government's ITECS SCOTS DMZ server environment within Saughton House, Edinburgh. SHR requires to replace components that are reaching end of vendor support so that it can continue to operate an efficient and cyber resilient system.

Microsoft Dynamics CRM 2011 falls out of extended vendor support on 13th July 2021 and will no longer receive patches or security updates after this date. To remain compliant with the SCOTS hosting conditions, the CRM platform must be updated to a supported version prior to this end of life date. This required technology update forms the primary driver for this programme of work. A DPIA was identified as being required due to the use of new technology to process personal data.

Public Cloud Strategy

Since the SHR BIS was initially set up, there has been significant changes in the availability and options around public cloud services. During this same period, the Scottish Government's position on cloud computing has evolved to encourage the adoption of cloud technology, including the Scottish Government's "Cloud First" programme and the restated policy position (in June 2020) that Scottish public bodies should consider cloud computing first when upgrading software components.

The SHR Board considered and approved a BIS Strategy in July 2020 which adopts a cloud-first approach for software replacement in line with the Scottish Government Cloud policy principles and its aims of value for money and increased innovation. The SHR Board has instructed officers to proceed with a cloud-based replacement for the current CRM.

Step 2: Describe the processing

Describe the nature of the processing: how will you collect, use, store and delete data? What is the source of the data? Will you be sharing data with anyone? You might find it useful to refer to a flow diagram or other way of describing data flows. What types of processing identified as likely high risk are involved?

The scope of the upgrade project encompasses replacing the existing Microsoft Dynamics CRM 2011 with an online SaaS cloud CRM (Sugar CRM). The personal data that the CRM system contains will remain the same but the data will be externally hosted within the Microsoft Azure cloud rather than within an on-premise CRM located in servers within the Scottish Government data centre. Additionally, a lightweight web application will replace the current Social Landlord Portal that allows social landlords to submit data returns via a secure password protected url. The new web application will retain the same level of security and the data that social landlords will submit is not being changed as a result of this project.

The personal data processed by SHR via its CRM system is outlined in the Information Assets and Personal Data Register:

<https://erdm.scotland.gov.uk:8443/documents/A26189881/details>

Information may be shared with other relevant bodies, such as other regulators and the Scottish Public Services Ombudsman, in the course of carrying out regulatory functions.

No specific high risk processing has been identified, however the use of cloud based servers requires additional assurance about security measures in place, as described in the risks identified and measures to reduce risks.

Describe the scope of the processing: what is the nature of the data, and does it include special category or criminal offence data? How much data will you be collecting and using? How often? How long will you keep it? How many individuals are affected? What geographical area does it cover?

The scope of the processing is based on the SHRs statutory role as the regulator of social housing in Scotland as set out in the regulatory framework;

<https://www.housingregulator.gov.scot/for-landlords/regulatory-framework#>

Landlords submit data to us through a secure password-protected Social Landlord Portal as required by the regulatory framework. This data does not relate to special category or criminal offence data but instead provides the names and contact addresses of key contacts within a landlord organisation so that SHR staff can fulfil their duties in regard to our statutory purpose.

All data submitted to us is covered under our privacy statement which is clearly stated to landlords and tenants and embedded within the signature strips of all SHR staff email accounts:

<https://www.housingregulator.gov.scot/about-us/privacy-policy>

The data is updated by social landlords when there are changes to the officers and Board positions. The data relates to local authority and registered social landlords across Scotland (circa 190 organisations). We keep data in accordance with the SHR retention schedules which state for 5 years or 10 depending on the data.

Describe the context of the processing: what is the nature of your relationship with the individuals? How much control will they have? Would they expect you to use their data in this way? Do they include children or other vulnerable groups? Are there prior concerns over this type of processing or security flaws? Is it novel in any way? What is the current state of technology in this area? Are there any current issues of public concern that you should factor in? Are you signed up to any approved code of conduct or certification scheme (once any have been approved)?

Staff and Board members of social landlords will be aware of our statutory purpose as housing regulator under the Housing (Scotland) Act, 2010 and our data privacy policy and our regulatory framework which are published on our website as outlined above.

Landlords submit this personal data to us in accordance with their obligations under the regulatory framework. We do not collect sensitive data as part of the regulatory framework duties.

We are replacing existing technology on a like for like basis that will be supported and maintained by our existing IT suppliers who we awarded a contract to through a Scottish Government procurement framework. As such the contract contains all Scottish Government Procurement clauses in relation to data privacy and confidentiality and secure configuration and standards. SHR and the relevant suppliers hold Cyber Essentials Plus accreditation and the systems are being developed on National Cyber Security Centre cloud security principles.

Describe the purposes of the processing: what do you want to achieve? What is the intended effect on individuals? What are the benefits of the processing – for you, and more broadly?

There is no change to the basis for processing – the new software will reference the same subjects and the same data. We are simply changing the software that we retain the data in, in line with the Scottish Government Digital Strategy and the Business Intelligence Strategy 2020 -25 which both mandate a 'cloud first' software replacement approach for the public cost savings and agility that cloud software services deliver.

Additionally, the Outlook plug-in will deliver the ability for staff to save email records directly into the CRM – this functionality will assist the ease in which staff can perform manual tasks to save email records. There will be no change to the records that are stored but we will deliver training on the tool and ensure that there are clear work instructions for staff before we enable the Outlook plug-in within the CRM.

There is a separate project to ensure that data is purged in line within retention strategies that is being taken forward by the SHR IMG.

Step 3: Consultation process

Consider how to consult with relevant stakeholders: describe when and how you will seek individuals' views – or justify why it's not appropriate to do so. Who else do you need to involve within your organisation? Do you need to ask your processors to assist? Do you plan to consult information security experts, or any other experts?

There has been consultation with SG Cyber Defence and the SHR DPO from the outset of the project – there is no requirement to consult with data subjects as data collected is not changing. A security risk assessment document is being reviewed by SG Cyber Defence and they have commented on earlier iterations of the document and previously given approval for the High Level Design document setting out how the configuration and security protocols will work.

Step 4: Assess necessity and proportionality

Describe compliance and proportionality measures, in particular: what is your lawful basis for processing? Does the processing actually achieve your purpose? Is there another way to achieve the same outcome? How will you prevent function creep? How will you ensure data quality and data minimisation? What information will you give individuals? How will you help to support their rights? What measures do you take to ensure processors comply? How do you safeguard any international transfers?

From privacy policy and regulatory framework:

<https://www.housingregulator.gov.scot/about-us/privacy-policy>

<https://www.housingregulator.gov.scot/for-landlords/regulatory-framework#>

The lawful basis for processing is 'public task' as it is necessary for SHR to discharge its statutory functions as set out in the Housing Scotland Act 2010.

There has been no change to the personal data processed, the purpose of the processing or the CRM Support Contract supplier. We have an SG framework in place with our supplier that contains all relevant data privacy clauses.

We refer individuals to our privacy policy when we communicate and this is embedded into our email signatures for all correspondence. Information on how individuals can exercise their rights is provided within the privacy policy.

Our data is hosted in UK and no processing outwith EEA.



Step 5: Identify and assess risks

Describe source of risk and nature of potential impact on individuals. Include associated compliance and corporate risks as necessary.	Likelihood of harm	Severity of harm	Overall risk
	Remote, possible or probable	Minimal, significant or severe	Low, medium or high
1. risk of interception of data in cloud	Possible	Potentially significant	Medium
2. SHR staff save personal data on the CRM that should not be stored in CRM e.g. by saving emails through the Outlook plug-in	Possible	Potentially significant	Medium
3 supplier side risk that CRM and Portal are not implemented according to cyber security principles	Possible	Potentially significant	Medium
4. Personal data is stored on the CRM for longer than required for business purposes	Possible	Minimal	Low



Step 6: Identify measures to reduce risk

Identify additional measures you could take to reduce or eliminate risks identified as medium or high risk in step 5				
Risk	Options to reduce or eliminate risk	Effect on risk	Residual risk	Measure approved
		Eliminated reduced accepted	Low medium high	Yes/no
1.	Secure configuration to NCSC cloud security principles, pen test prior to launch, CR Plus accreditation for suppliers, review by SG cyber defence. Consideration to be given to whether IP address 'whitelisting' is appropriate for the project.	Reduced	Low	Yes
2.	Outlook plug-in will not be enabled until after full staff training, and procedures have been prepared for staff	Reduced	Low	Yes
3.	Secure configuration to NCSC cloud security principles, building system in DevNet first for system testing, pen test prior to launch, CR Plus accreditation for suppliers, review by SG cyber defence	Reduced	Low	Yes
4.	IMG will be reviewing retention periods within CRM as part of a separate project that is ongoing.	Reduced	Low	Yes

Step 7: Sign off and record outcomes

DPO Comment

Comment:

There has been no material change to the purpose or types of personal data that is processed. The move to cloud based servers has been developed in close consultation with the SG Cyber Security team and a full risk assessment has been conducted which scored a 'pass'.

The new system platform will be fully tested prior to roll-out and all staff will be provided with guidance and training.

I am therefore content that privacy risks and mitigating actions associated with this change in technology have been identified and implementation of those mitigating actions will reduce those risks to a manageable level.

Name: Lorna Clark

Date: 23 October 2020

DPIA approved by relevant Information Asset Owner (IAO)

...Redacted



Name: Helen Shaw

Date: 05 November 2020

Version	Date Reviewed	Reviewed By

Data Protection Impact Assessment (DPIA) – to accompany the data sharing agreement between Scottish Government and Scottish Housing Regulator

Before conducting the Data Protection Impact Assessment, please refer to the [guidance that accompanies this template](#).

1. Introduction

Please see the data sharing agreement for background. This Data Protection Impact Assessment (DPIA) will help identify and minimise the data protection risks of the sharing of (HL1, HL2, HL3 and PREVENT1) data between Scottish Government and Scottish Housing Regulator.

2. Document metadata

- 2.1 Name of Project: Data sharing between Scottish Government and Scottish Housing Regulator
- 2.2 Author of report: John Jellema and Sara White
- 2.3 Date of report: October 2022
- 2.4 Name of Information Asset Owner (IAO) of relevant business unit: Mick Wilson, Deputy Director Communities Analysis Division
- 2.5 Date for review of DPIA.
The agreement commences when it has been signed by both Parties and dated and shall continue indefinitely but be reviewed by both parties every year (unless terminated early).

Review date	Details of update	Completion date	Approval Date

3. Description of the project

- 3.1 Description of the work:
This Agreement primarily relates to an annual request from SHR to SG for unpublished data following publication of annual homelessness statistics. However, this does not limit SHR from requesting data at other times, where this is needed to carry out its statutory functions. SG will consider its capacity when deciding whether and when it can respond to that request i.e. it works in the interests of both parties. The data provided by SG is central to SHR in meeting its statutory obligations which are placed upon it and monitored by the Scottish Parliament. SHR is expected and required to – and is the only public body that can – use its tools and powers to require local authorities to improve homelessness services. SHR helps to fix the problems that the statistics illuminate. The Annex at the back of this DPIA says more about the legislative and statutory background to SHR’s work.

Partnership working and seeing the bigger picture is therefore key to ensuring that policy and regulatory objectives for homeless people are met. So while this agreement seeks to rightly provide a broad and sensible framework for data exchange it should not limit the capacity to

deliver Ministerial and Parliament objectives to eradicate homelessness / protect homeless people.

3.2 Personal data to be processed.

Variable	Type	Data Source
There may be very small counts of individuals and may therefore be identifiable.	Personal data and (under very limited circumstances)	All Data will be extracted from the underlying datasets HL1, HL2, HL3 and PREVENT1. Collected by Local Authorities as part of the Homelessness Application or Housing Options approach. Passed to SG for further processing and publication.
Ethnicity Mental health Vulnerabilities Disabilities	Special Category	

3.3 Describe how this data will be processed:

SHR standards and systems required for data security, sharing, access, etc. are the same as they are for SG. All SHR staff are required to undertake a range of related mandatory data security training.

Data transfer

Data will be transferred by secure email using the SG email system. Files will be password protected for additional security. Details of passwords will be sent in a separate email from the data itself.

Data processing

Processing of the data will comply with GDPR and the Data Protection Act 2018. In particular, it must meet the conditions defined in Section 19 of the DPA 2018 for the processing of data for statistical and research purposes: <http://www.legislation.gov.uk/ukpga/2018/12/section/19/enacted>

Data access

Data will only be accessed by a minimal number of specified SHR staff who have a necessary role in the regulatory functions for which this data is pertinent. Access will be further restricted for special category data.

Data storage

Data will be stored in secure SG approved and certified storage systems limited to eRDM, Sharepoint and Teams. Files stored on public areas will be password protected with the passwords shared only with staff with the appropriate permissions to view the data.

Data sharing

SHR will not forward the data shared by SG to any other organisations or individuals without permission from SG. Undisclosed findings may be shared with local authorities to which the particular figures relate to only.

Data that identifies individuals must not be published by SHR. Appropriate disclosure control must be applied to outputs to ensure that individuals cannot be identified.

3.4 Explain the legal basis for the sharing with internal or external partners:

The Scottish Government is a producer of Official Statistics and bound by the Statistics and Registration Services Act 2007, which establishes the Code of Practice for Official Statistics (section 10). This requires us to:

- Meet user needs, as defined under principle 1 of the CoP, including: dissemination of official statistics to meet the requirements of informed decision making by government, public services, business, researchers and the public and to maximise public value.
- Make statistics available to all users, as in principle 8 of the CoP, including: make statistics available in as much detail as is reliable and practicable, subject to legal and confidentiality constraints and ensure that official statistics are disseminated in forms that enable and encourage analysis and re-use.

This data sharing is therefore necessary for the administration of the functions of government.

The following link includes details of the Digital Economy Act 2017 which describes how the Scottish Government is legally allowed to share the data it holds with research organisations.

<http://www.legislation.gov.uk/ukpga/2017/30/section/64/enacted>

The data sharing meets the following conditions for processing under Paragraph 5 (d) of Schedule 2 of the Data Protection Act 2018 (DPA) and Article 6 (1) (e) of the General Data Protection Regulation (GDPR)

- DPA – Schedule 2(5) d – the processing is necessary for the exercise of functions of a public nature in the public interest
- GDPR – Article 6 (1) (e) - the processing is necessary for the performance of a task carried out in the public interest

Additionally, the data sharing meets the following conditions for processing Special Category Personal Data under:

- GDPR – Article 9 (1)(g) – processing is necessary for reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.

Further information about the statutory duties of SHR are provided in Appendix A.

4. Stakeholder analysis and consultation

4.1 List all the groups involved in the project, and state their interest.

Group	Interest
Scottish Government Homelessness Statistics and Analysis team	Gather, cleanse and analyse homelessness data. Ensure data protection.
SHR	Regulate homelessness services using homelessness data. Ensure data protection.
Local authorities	The data is provided by them and SHR may re-state it back to them as part of regulation.

4.2 Method used to consult with these groups when making the DPIA.

SG and SHR are working together to ensure the DSA and this DPIA meets all requirements. Local authorities can seek assurance that the information they provide meets high standards of data control as outlined in 3.4. SHR's approach to regulating local authorities and its engagement with them is mature and well understood and will not change as a result of the DSA and DPIA. Indeed the DSA and DPIA adds a further layer of assurance for local authorities.

4.3 Method used to communicate the outcomes of the DPIA .

See 4.2

5. Questions to identify privacy issues

5.1 Involvement of multiple organisations

SG, SHR and local authorities.

5.2 Anonymity and pseudonymity

The information exchanged between SHR and SG is anonymised.

5.3 Technology

The data will be exchanged and stored in secure SG approved and properly certificated systems eg erdm. Files will be sent with password protection and where files are stored within public folders, they will be password protected with passwords shared only with SHR staff who require access to the data.

5.4 Identification methods

SHR will not be in receipt of individual record level data. However, as the data received may have very small counts of individuals this may be identifiable. This information will be restricted to a minimal number of SHR staff only. Data shared more widely and/or published should have appropriate disclosure control applied so individuals cannot be identified.

5.5 Sensitive/Special Category personal data

SHR may under very limited circumstances request data relating to:

Ethnicity

Physical and mental health

Drug / alcohol dependency

The data also includes reason for homelessness, of which two of the responses are 'Dispute within household: violent or abusive' and 'Fleeing non-domestic violence'.

Respondents are free to refuse to answer the ethnicity question.

5.6 Changes to data handling procedures

Any notable changes to data handling procedures will be assessed from a data protection/privacy perspective and the DPIA will be updated accordingly. Additionally, the DPIA will be reviewed at least annually to consider whether any updates are required.

5.7 Statutory exemptions/protection

None

5.8 Justification

By sharing the data with SHR, this enables SHR to undertake its regulatory duties regarding homelessness as fully as possible. This ensures that social landlords are upholding their statutory duties, or being held to account if they are not. This is required to protect the interests of service users.

5.9 Other risks

The lack of data sharing agreements between local authorities and the Scottish Government is a risk as there is a lack of formal agreement for a) the data to be shared between local authorities to SG and then for this to encompass the onward sharing between SG and other parties.

6. General Data Protection Regulation (GDPR) Principles

Principle	Compliant – Yes/No	Description of how you have complied
6.1 Principle 1 – fair and lawful, and meeting the conditions for processing	Yes	<p>Processing of the data will comply with GDPR and the Data Protection Act 2018. In particular, it must meet the conditions defined in Section 19 of the DPA 2018 for the processing of data for statistical and research purposes: http://www.legislation.gov.uk/ukpga/2018/12/section/19/enacted</p> <p>The standards and systems required of SHR in terms of data security, sharing, access, etc are the same as they are for SG. All SHR staff are required to undertake mandatory data security training.</p>
6.2 Principle 2 – purpose limitation	Yes	The data will only be used for the purposes of regulating homelessness services to safeguard the interest of service users who are some of the most vulnerable people in Scotland.
6.3 Principle 3 – adequacy, relevance and data minimisation	Yes	<p>Only data which is not already publically available (including unrounded data) which is pertinent for the purposes of regulating social landlords in their provision of homelessness services will be requested.</p> <p>Data requests will be agreed with SG in advance of data provision and kept proportionate.</p>
6.4 Principle 4 – accurate, kept up to date, deletion	Yes	SHR will always receive the most recent version of published data from SG, which is finalised after rigorous quality assurance. Secure deletion of the data will be undertaken by SHR. Data will only be kept as long as needed, with a maximum retention period of five years. SHR's records management policy is also consistent with best practice.
6.5 Principle 5 – kept for no longer than necessary, anonymization	Yes	<p>All data is anonymous.</p> <p>SHR will only keep the data as long as is needed (no longer than five years), in line with records management policy. We also have a records management policy which is consistent with best practice.</p>
6.6 GDPR Articles 12-22 – data subject rights	Yes	SHR will undertake to process personal data in accordance with the rights of data subjects under the Data Protection Act 2018. We are exempt from the requirement to respond to subject access requests because of the research exemption in GDPR Article 89.
6.7 Principle 6 - security	Yes	<p>Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.</p> <p>At the point that the data submission is accepted by SHR, the data is transferred to the SHR network and is subject to corporate arrangements for backup and security (as described in section 3.3).</p> <p>Data will be password protected with passwords and data sent separately and access to data and passwords being limited to SHR staff with defined roles.</p>

		No data or analyses will ever be published from the dataset which could potentially identify individuals. Disclosure control is applied as appropriate.
6.8 GDPR Article 44 - Personal data shall not be transferred to a country or territory outside the European Economic Area.	Yes	We guarantee this will not happen.

7. Key risks identified and appropriate solutions or mitigation actions proposed

Is the risk eliminated, reduced or accepted?

Risk	Solution or mitigation	Result
Data breach if stored insecurely or unauthorised access	The data will be exchanged and stored in secure SG approved and properly certificated systems eg erdm. Only staff who require access to it will have that access. Our track record of data security. Password protection will be used.	Eliminate
Unable to meet fair and lawful conditions for processing	Processing of the data will comply with GDPR and the Data Protection Act 2018. In particular, it must meet the conditions defined in Section 19 of the DPA 2018 for the processing of data for statistical and research purposes: http://www.legislation.gov.uk/ukpga/2018/12/section/19/enacted . We have a dedicated resource for advice on these matters.	Eliminate
Onward sharing or publication of identifiable data	To fulfil its functions SHR only needs to share data back to the LA that initially provided it. No data will be shared with other organisations. SHR does not need to publish the data. The risk here is therefore low. The risk is reduced further by any publication having to go through SHR's management team first for review and clearance.	Reduced

8. Incorporating Privacy Risks into planning

Access to the Data will be limited to 25-30 SHR staff members with the functions of:

- cleansing and analysing the Data (Risk Assessment team)- deciding/judging where issues are in the housing sector, engaging with local authorities about their performance, to seek assurance and to require improvement as appropriate (Regulation teams)
- overview, awareness and strategic direction particularly of issues arising (Management teams)

All SHR staff undertake mandatory data security training with data security requirements to be adhered to being the same as those in SG. However, SHR staff members will also be reminded of their commitments to no onward sharing or publication of data. This will help minimise the risk of privacy breaches.

Data will be password protected with only those with the function noted above having access to the password.

We have IMSOs who will monitor solutions, mitigations etc. The SHR Assistant Director (C2) who leads on this work is an IMSO and will approach the work through this lens.

9. Data Protection Officer (DPO)

The DPO may give additional advice, please indicate how this has been actioned.

Advice from DPO	Action

10. Authorisation and publication

The DPIA report should be signed by your Information Asset Owner (IAO). The IAO will be the Deputy Director or Head of Division.

Before signing the DPIA report, an IAO should ensure that she/he is satisfied that the impact assessment is robust, has addressed all the relevant issues and that appropriate actions have been taken.

By signing the DPIA report, the IAO is confirming that the impact of applying the policy has been sufficiently assessed against the individuals' right to privacy.

The results of the impact assessment must be published in the eRDM with the phrase "DPIA report" and the name of the project or initiative in the title.

Details of any relevant information asset must be added to the Information Asset Register, with a note that a DPIA has been conducted.

I confirm that the impact of non-compliance has been sufficiently assessed against the needs of the privacy duty:

Name and job title of a IAO or equivalent	Date each version authorised
John Jellema, Assistant Director of Regulation	28 / 10 / 2022

Appendix A – Legislative background to SHR's functions, powers and statutory obligations

SHR is the independent regulator of social landlords in Scotland. Social landlords are made up of registered social landlords (RSLs) – housing associations and co-operatives – and local authorities (LAs) or councils that provide housing and homelessness services.

We are the independent regulator of Registered Social Landlord and local authority housing services in Scotland. We were established on 1 April 2011 under the Housing (Scotland) Act 2010. The Act outlines our functions and powers.

Our one and only statutory objective is to safeguard and promote the interests of:

- around 600,000 tenants who live in homes provided by social landlords
- over 120,000 owners who received services from social landlords
- around 40,000 people and their families who experience homelessness and seek help from local authorities
- around 2,000 Gypsy/Travellers who can use official sites provided by social landlords.

We regulate social landlords by:

- keeping a register of social landlords and making this available for the public – all landlords on the register need to meet [regulatory requirements](#)
- monitoring, assessing and reporting on how well social landlords are run and how they manage their money – we call this governance and financial health
- taking action, where we need to, to protect the interests of tenants and other service users

Under section 5 of the Regulatory Reform (Scotland) Act 2014 (the Act) which contains provisions for Scottish Ministers to issue a Code of Practice in relation to the exercise of regulatory functions by a regulator. 9. Section 5 (5) of the Act requires regulators to whom the code applies to have regard to the code (a) in determining any general policy or principles by reference to which the regulator exercises any regulatory functions to which the code applies, and (b) in exercising any such regulatory functions. This duty to “have regard to” the Code means that the regulator must take into account the Code’s provisions and give them due weight in developing their policies or principles or in setting standards or giving guidance. Regulator-specific standards, guidance or codes of practice should provide more detailed operational policy to reflect regulator’s own circumstances and specific regulatory functions

SCOTTISH REGULATORS’ STRATEGIC CODE OF PRACTICE

Regulators should consider risk at every stage of their policy planning and decision making processes to help ensure that action is targeted where it is most needed. In support of this, regulators should also take an evidence-based approach, taking informed decisions on where and how to focus effort. This should include measuring the effectiveness of interventions in achieving measurable outcomes. The emphasis where possible should be on preventing problems from occurring in the first place or from escalating significantly. Regulators should:

- Publish clear risk assessment methodologies and risk ratings and review these regularly.
- Evaluate the effectiveness of their chosen approaches.

In relation to homelessness SHR monitor, assess and report on how well social landlords are delivering services that meet the needs of homeless people including:

- access to services,
- how homeless people are assessed,
- the provision and suitability of temporary accommodation and
- the housing outcomes for homeless people .

SHR is also required to report progress by landlords against the Scottish Social Housing Charter to Parliament annually. We are held to account by Parliament. We also meet with Scottish Government officials and Ministers on a regular basis to discuss relevant issues and to discuss progress against Scottish Government standards and legislative requirements that we regulate against eg obligations to provide temp accom and settled accom; compliance with the quality of temp accom including the unsuitable accommodation order and obligations relating to equalities and fairness.

The Scottish regulators Code of Practice Regulators states regulators should adopt high level operational approaches in their policies and practice, a commitment to the five principles of better regulation: regulation should be transparent, accountable, consistent, proportionate and targeted only where needed and adopt risk and evidence based protocols which help target action where it's needed and help to ensure the achievement of measurable outcomes.

For local authorities, we monitor, assess, report and intervene (as appropriate) on the performance of housing activities. For 26 of the 32 local authorities we assess both their landlord and homelessness services. We assess the homelessness service only for the six councils who have transferred their homes to RSLs.

We use a range of information from local authorities to do this including the Annual assurance statement, the ARC and other intelligence we have from our engagement with local authorities and through the shared risk assessment process. All our local authority scrutiny work is directed through the Shared Risk Assessment (SRA) with all the main scrutiny bodies for local government. We share information through a Local Area Network (LAN) – made up of officers from each of the scrutiny bodies – for each council. Each LAN then agrees the key scrutiny risks within individual councils and may produce a plan of scrutiny for each council, called a Local Scrutiny Plan (LSP).

We also use the Scottish Government's official statistics on homelessness which are vital to us in performing our functions and ultimately in improving services for homeless people.

Specific and bespoke homelessness data collected by the Homelessness Statistics and Analysis team within Communities Analytical Division has also supported SHR in their assessment of risk in social landlords since 2008.

SHR's powers does allow it to request information directly from Social landlords, but has favoured using the national data in homelessness to reduce the burden on landlords and avoid needless bureaucracy and overlap. We did previously collect additional data but after discussions with SG we decided to collect much less to ensure LAs did not have more reporting obligations.